

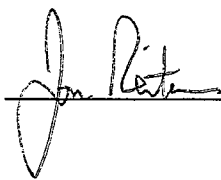
Department of Law
Schedule 10
FY 2013-14 Budget Request

Priority	Number	Division	Request	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Decision Items									
	DJ-1	Criminal Justice and Appellate	Appellate FTE Increase to Manage Backlog	5.5	\$554,200	\$554,200			\$0
	DJ-2	Criminal Justice and Appellate	Additional FTE for Special Prosecution	1.9	\$298,906	\$211,233	\$43,837	\$43,837	\$0
	DJ-3	Consumer Protection and Special Purpose	Tobacco Litigation Funding	0.0	\$0	\$676,952	(\$676,952)		\$0
	DJ-4	Administration	PIO Refinance	0.0	\$89,278	(\$68,933)	(\$95,071)	\$249,684	\$3,597
Total - Decision Items				7.4	\$942,384	\$1,373,452	(\$728,186)	\$293,521	\$3,597
Base Reduction Items									
Total - Base Reduction Items				0.0	\$0	\$0	\$0	\$0	\$0
Non-Prioritized Items									
		Administration	Risk Management: Employee Engagement Service Adjustment Decision Item	0.0	\$3,284	\$0	\$0	\$3,284	\$0
Total Non Prioritized Items				0.0	\$3,284	\$0	\$0	\$3,284	\$0
				7.4	\$945,668	\$1,373,452	(\$728,186)	\$296,805	\$3,597
			Grand Total November 1, 2011						

Schedule 13

Funding Request for the 2013-14 Budget Cycle

Department: Law
 Request Title: Appellate FTE Increase to Manage Backlog
 Priority Number: 1

Dept. Approval by:  10/23/12
 Date

OSPB Approval by: _____
 Date

Decision Item FY 2013-14
 Base Reduction Item FY 2013-14
 Supplemental FY 2012-13
 Budget Amendment FY 2013-14

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Total of All Line Items	Total	2,709,335	-	2,709,335	554,200	537,166
	FTE	32.0	-	32.0	5.5	6.0
	GF	2,195,709	-	2,195,709	554,200	537,166
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	513,626	-	513,626	-	-
	FF	-	-	-	-	-
(3) Criminal Justice and Appellate: Appellate Unit	Total	2,709,335	-	2,709,335	554,200	537,166
	FTE	32.0	-	32.0	5.5	6.0
	GF	2,195,709	-	2,195,709	554,200	537,166
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	513,626	-	513,626	-	-
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and COFRS Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments: NA

Other Information:



DEPARTMENT OF LAW

*FY 2013-14 Funding Request
November 1, 2012*

*John W. Suthers
Attorney General*

*Cynthia Coffman
Chief Deputy Attorney General*

Department Priority: 1
Request Title Appellate FTE Increase to Manage Backlog

Summary of Incremental Funding Change for FY 2013-14	Total Funds	GF	FTE
Appellate Unit Total	\$554,200	\$554,200	5.5
Appellate Unit	\$554,200	\$554,200	5.5

Summary of Incremental Funding Change for FY 2014-15	Total Funds	GF	FTE
Appellate Unit Total	\$537,166	\$537,166	6.0
Appellate Unit	\$537,166	\$537,166	6.0

Request Summary:

This request is to accommodate resources to reduce the growing appeal backlog. The Department of Law is requesting 5.5 FTE Assistant Attorney Generals in FY 2013-14 and increasing to 6.0 FTE in out years. This equates to 11 months of effort in the first year, due to the pay date shift on GF employees, with associated operating costs to address the growing backlog of cases requiring Appellate responses. This request calculates to \$554,200 GF for FY 14 and \$537,166 in FY 15 and out years. The Department is estimating a reduction in FY 17 of 1.0 FTE and another reduction of 4.0 FTE in FY 18, once the backlog is reduced to a manageable number.

The Appellate Unit consists of a total of 31 employees (28 attorney FTE), and 3 support staff. The Line Item additionally, houses 1.0 FTE for Victims Assistance, funded primarily through the Victims Assistance and Law Enforcement Fund in the Department of Public Safety.

The Appellate Division represents the prosecution when defendants challenge their felony convictions before the state appellate courts or the federal courts. Most of the cases handled by the Appellate Division are in the Colorado Court of Appeals; the remainder are in the Colorado Supreme Court and the federal courts. For each case, an Appellate Division attorney must review the trial court record and the brief filed by the defense, do legal research into the defendant's claims, and file a response. During FY 2012, Appellate Division attorneys filed 894 briefs.

The Appellate Unit is primarily funded through the General Fund. As such, this line item has witnessed various across the board reductions to funding over the last decade. Due to these reductions, the department, to stay within budget allocations and to attempt to appropriately address workflow, has staffed to the available FTE allocation. The Unit's biggest challenge has always been how to keep pace with an unpredictable incoming caseload, while also trying to pare down the pending backlog. The

Department has not been successful with this goal over the course of FY 2011-12. The Department has witnessed an increase of 210 cases in the backlog, growing from 398 at the beginning of the fiscal year to 608 by the end of April, 2012. (See chart at end of request)

As a result, the Department has addressed efficiencies to accommodate the growing workload within existing resources. These include:

- directed cases to the extent possible to people with subject matter expertise in particular areas (not always possible, because appeals seldom involve single issues);
- assigned second and subsequent appeals on the same defendant, or related appeals, to the attorney who originally handled the case;
- prioritized cases according to complexity of issues;
- provided a variety of resource materials and short cuts to try to speed up case processing.

Additionally, in February of 2012, the Chief Deputy Attorney General and the Deputy Solicitor General met with the Chief Judge of the Court of Appeals and Clerk of the Combined Courts to discuss the AG's appellate backlog and brainstorm ideas for trying to reduce it. One of the ideas that has been implemented is the use of an "experimental docket" in which the AG would file an abbreviated brief that would provide a special panel with the basic info necessary to evaluate the defendant's claims without full briefing on all the issues raised. The Department has met with the Court once since then to refine that process, but it is too soon to see any significant results of that effort.

The department is hopeful that the experimental docket will help move less complicated cases through the system at a faster rate. However, that still leaves hundreds of more serious cases needing attention.

In addition, representatives of the Attorney General's Office, the appellate court, the Public Defender's Office, and the Office of Alternate Defense Counsel met and discussed possible systemic changes that might help reduce the number of appeals. Not surprisingly, the parties' different orientations resulted in little consensus as to what changes would be either appropriate or desirable.

All did agree, however, that there needs to be a working group review of our procedures, rules, and practices for handling postconviction appeals, and all committed to participating in that review and recommending changes.

At present, Crim. P. 35(c) and section 16-5-402 work together to govern the procedures for postconviction review. Those authorities provide for time limits for filing for review in all but capital cases, and impose limitations on successive filings, etc. As a practical matter, however, litigants – particularly pro se litigants – frequently ignore these rules. The litigants file their motions; the courts entertain them, even if they deny the motions as time-barred or successive; and the defendants appeal those denials – often over and over again. This ties up judicial resources in both the trial and appellate courts, and requires attorney involvement in the trial court, and on appeal by both the AG's Office and often the public defenders or ADC.

One possible solution would be to provide counsel for all defendants for their first postconviction appeal (there is no constitutional right to counsel on postconviction motions, and only a limited statutory right to such representation). As a practical matter, however, the interests of justice are best served if all legitimate challenges are raised as soon as possible after a conviction becomes final, and litigated at that time to the extent the trial court feels it is appropriate. The outcome of that proceeding could be appealed by either party.

Thereafter, there should be stricter limitations on any further postconviction motions, barring exceptional circumstances.

Ideally, this would cut down significantly on the number of postconviction motions filed in the trial courts and thereafter appealed, and would insure that legitimate claims are reviewed by an attorney trained to recognize and argue them in a timely fashion.

Staffing Concerns:

Since July 1, 2010, the Unit has witnessed a turnover of 8 attorneys. Within the attorneys, this calculates to an 30% turnover rate ($8/27=30\%$) (The number of attorneys does not include the Deputy Attorney General in the calculation). Of the 8 attorneys that have left; 3 went to the private sector and 3 accepted positions in other sections of the department, all of which were at higher salaries.

Anticipated Outcomes:

The department is expecting that this solution will help, at a minimum, to reduce the appeals backlog. Six additional attorneys coupled with anticipated efficiencies established with the court on the experimental docket, and a full complement of attorneys within the current FTE allocation, will address backlog issue by FY 17. Once the backlog is at a manageable 68, the Department is suggesting reducing the number of attorney FTE by 4, thereby providing the appropriate resources to address annual incoming workload.

Assumptions for Calculations:

The Assistant Attorney General positions are requested at the midpoint of the salary range. These position will be filled July 1, 2013, thereby requiring 11 months of salary and benefits for FY 2013-14, due to pay date shift.

Consequences if not Funded:

If this request is not funded, the department will continue to manage the efforts of the Appellate Unit within appropriated dollars, with the

likelihood that the backlog will continue to grow. Delays in the processing of appeals are detrimental to all of the parties involved. When a case is reversed after many years, both sides generally have difficulty preparing the case for retrial – witnesses are gone; memories fade; and evidence is lost or misplaced. This does a disservice to all of the people affected by that case, most significantly victims and defendants. In addition, we have seen an increase in the number of instances in which defendants are seeking to have their convictions vacated because they have allegedly been denied their right to a speedy appeal. While our state appellate courts have not been receptive to those claims, it is not inconceivable that there will come a point where a court agrees with this argument, and vacates an otherwise valid conviction. The United States Court of Appeals for the Tenth Circuit has concluded that “delay in adjudicating a direct criminal appeal beyond two years from the filing of the notice of appeal gives rise to a presumption that the state appellate process is ineffective. *Harris v. Champion*, 15 F.3d 1538, *1556 (10th Cir. 1994).

Because the Appellate Division is a reactive division, it has no control over its incoming caseload. Regardless of staffing, whatever cases come in must be handled, and must be handled to the best of our ability. Every case in the state or federal appellate courts has the potential to result in a published decision that affects all of Colorado criminal law. An unfavorable decision could result in the release of inmates, retrials, or the inability to retry cases because of the loss of witnesses or evidence, resulting in a high cost to other parts of the legal system, to public confidence, and to public safety as a whole.

Impact to Other State Government Agency:
NA

Current Statutory Authority or Needed Statutory Change: NA

Salary Range for Assistant Attorney General FY 2012-13

Range	Minimum	Maximum
ASST ATTORNEY GENERAL	\$63,922	\$93,326

Decision Item Calculations	FY 14	FY 15
Supplies @ \$500	\$ 3,000	\$ 3,000
Computer @ \$2,489/\$0	\$ 14,934	\$ -
Office Suite Software @ \$395/\$0 *6	\$ 2,370	\$ -
Office Equipment @ \$7,267/\$0 (includes cubicle and chair) *6	\$ 43,602	\$ -
Telephone Base @ \$450/\$450	\$ 2,700	\$ 2,700
Litigation Expenses Est \$5,000	\$ 5,000	\$ 5,000
Total Operating	\$ 71,606	\$ 10,700

Monthly Salary Asst Attorney General (mid range)	\$ 6,552	\$ 6,552
Monthly Salary for 5.5 FTE AAG FY 14 and 6.0 FTE in FY 15	\$ 39,312	\$ 39,312
Annual Salary	\$ 432,432	\$ 471,744
PERA at 10.15%	\$ 43,892	\$ 47,882
Medicare at 1.45%	\$ 6,270	\$ 6,840
Total PS	\$ 482,594	\$ 526,466

Total	\$ 554,200	\$ 537,166
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Appellate Brief Resolution FY 08-FY 12 Actuals and out year estimates

	Cases Opened	Briefs Filed by Division	Cases Resolved Other Ways	Backlog
FY 08	-	-	-	280
FY 09	1240	1029	87	395
FY 10	1152	1054	62	434
FY 11	1050	1021	66	398
FY 12	1171	894	67	608
FY 13 Estimate	1153	1018	65	678
FY 14 Estimate (Assumes 6 additional Attorneys)	1153	1250	65	516
FY 15 Estimate	1153	1250	65	354
FY 16 Estimate	1153	1250	65	192
FY 17 Estimate (Assumes 5 of 6 attorneys will stay)	1153	1212	65	68
FY 18 Estimate (Assumes 2 of 6 attorneys will stay)	1153	1095	66	60

Assumptions:

Assumes 4 year average on cases opened (FY 08- FY 12)

Assumes each attorney will on average handle 38.7 cases through filed briefs and other resolution (FY 11 and FY 12, 2 year avg)

Assumes 3 year average on "Cases Resolved Other Ways."

Assumes one attorney will be let go in FY 17.

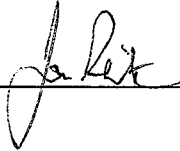
Assumes 3 additional attorneys will be let go in FY 18 and out years.

Schedule 13

Funding Request for the 2013-14 Budget Cycle

Department: Law
Request Title: Additional FTE for Special Prosecution Unit
Priority Number: 2

Dept. Approval by:


10/23/12
 Date

OSPb Approval by:

Date

Decision Item FY 2013-14 Base Reduction Item FY 2013-14 Supplemental FY 2012-13 Budget Amendment FY 2013-14
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Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
	Fund	1	2	3	4	6
		Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Total of All Line Items	Total	3,013,205	-	2,994,782	298,906	290,220
	FTE	32.5	-	32.5	1.9	2.0
	GF	1,391,287	-	1,391,287	211,233	207,130
	GFE	-	-	-	-	-
	CF	1,067,153	-	1,048,730	43,837	41,545
	RF	554,765	-	554,765	43,837	41,545
	FF	-	-	-	-	-
(3) Criminal Justice and Appellate: Special Prosecution Unit						
	Total	3,013,205	-	2,994,782	298,906	290,220
	FTE	32.5	-	32.0	1.9	2.0
	GF	1,391,287	-	1,391,287	211,233	207,130
	GFE	-	-	-	-	-
	CF	1,067,153	-	1,048,730	43,837	41,545
	RF	554,765	-	554,765	43,837	41,545
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and COFRS Fund Number: Fund #16Z Insurance Cash Fund

Reappropriated Funds Source, by Department and Line Item Name: DORA Securities

Approval by OIT? Yes: No: X Not Required:

Schedule 13s from Affected Departments: NA

Other Information:



DEPARTMENT OF LAW

*FY 2013-14 Funding Request
November 1, 2012*

*John W. Suthers
Attorney General*

*Cynthia Coffman
Chief Deputy Attorney General*

Department Priority:
Request Title Additional FTE for Special Prosecution

Summary of Incremental Funding Change for FY 2013-14	Total Funds	GF	CF	RF	FTE
Total	\$ 298,907	\$ 211,233	\$ 43,837	\$ 43,837	1.9
Special Prosecution Unit	\$ 298,907	\$ 211,233	\$ 43,837	\$ 43,837	1.9

Summary of Incremental Funding Change for FY 2014-15	Total Funds	GF	CF	RF	FTE
Total	\$ 290,220	\$ 207,130	\$ 41,545	\$ 41,545	2.0
Special Prosecution Unit	\$ 290,220	\$ 207,130	\$ 41,545	\$ 41,545	2.0

Request Summary:

The Department of Law is requesting 1.9 FTE and \$298,907 in FY 2013-14 annualized to \$290,220 and 2.0 FTE spending authority to support the efforts and workload needs of the Special Prosecution unit. This request includes a Program Assistant I FTE a First Assistant Attorney General FTE, and the salary and associated benefits and operating costs for a Criminal Investigator II.

The Attorney General's law enforcement efforts are focused in multiple areas: 1) Complex Crimes, 2) Environmental Crimes, 3) Gang Prosecution, 4) Foreign Prosecutions, (5) Auto Theft and 6) the Violent Crime Assistance Team (VCAT). Of these duties, the "Special Prosecutions Unit" (hereinafter SPU) dealt with all six areas. The SPU is also involved in several outreach programs associated with mitigating gang activity, preventing school violence and responding to child abductions.

This request will allow the Department of Law to better protect Colorado citizens in the investigation and prosecution of complex criminal conspiracies, environmental crimes, and gang activities. Specifically, the new investigator will focus efforts on human trafficking and election fraud, as well as provide support to the ongoing efforts outlined above. The Program Assistant position will serve the entire efforts of the Special Prosecution Unit, some of which are highlighted herein. The First Assistant Attorney General will assist in the supervision and management of the Special Prosecutions Unit.

1. Complex Crimes

The Complex Crimes Unit prosecutes cases that: 1) Are referred to the agency because of the specialized knowledge and experience of the staff, or 2) Are multi-jurisdictional cases investigated through the use of the statewide grand jury..

This unit derives its authority to investigate and prosecute from three sources: a) statutory authority granted directly to the Attorney General; b) appointment by a local District Attorney to act as a Special Deputy District Attorney; and c) gubernatorial order.

There are several areas of expertise and responsibility, including racketeering cases, domestic terrorism, identity theft, large check fraud schemes, methamphetamine rings, mortgage fraud, tax fraud, and an increasing number of anti-human trafficking needs.

One of the investigators and one of the prosecutors allocate a portion of their time to gang prosecutions as needed. The remaining complex crime prosecutors focused on the financial and narcotic crimes associated with the gang activities and organized criminal enterprises.

2. Environmental Crimes Unit

The primary function of the Environmental Crimes Unit is to investigate and prosecute environmental crimes occurring in the State of Colorado. The unit also provides investigative and prosecutorial expertise and support to statewide law enforcement efforts against entities committing environmental crimes in the state. The unit also coordinates a state/federal task force for the purpose of engendering an interrelated effort to contend with environmental crimes affecting Colorado. Members of the unit also work with the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency to increase awareness and recognition of environmental crimes through training programs directed at local regulators, law enforcement, and other agencies intimately related to the management of Colorado's resources.

The unit derives its authority from statutory authority granted directly to the Attorney General, as well as through special appointment by district attorneys. The unit consists of one Attorney General Prosecutor, a Special Assistant Attorney General as needed on loan from the Environmental Protection Agency, an Attorney General Investigator, an analyst and two special agents on loan from the Environmental Protection Agency's Criminal Investigations Division. All costs associated with the EPA Attorney and Investigator are borne by the EPA. The unit investigates and prosecutes environmental crimes regardless of media (i.e. hazardous waste, hazardous substances, water and air) using existing environmental statutes and other crimes enumerated in the criminal code when applicable.

3. Gang Prosecution Unit

Gangs are a continuing problem in Colorado. The Gang Prosecutions Subunit ("GPU") began in 2000 with a mission to decrease the impact gangs have on the community. Since the inception of the unit, we have indicted over 138 gang members on over 250 felony charges. The majority of gang members have been indicted on racketeering related charges. These prosecutions

have all resulted in felony convictions and dozens of years in prison sentences. The GPU works to accomplish that goal through collaborative efforts with other agencies. The GPU prosecutes gang-related multi-jurisdictional crimes. Since the GPU started, many gang members have been successfully indicted and convicted under the Colorado Organized Crime Control Act ("COCCA").

The COCCA laws are similar to federal racketeering laws. Racketeering cases are complex, and demand significant resources to adequately investigate and prosecute. Investigations often require months of collaborative work with numerous agencies before sufficient evidence exists to prosecute these cases. The complexity of these large, multi-jurisdictional cases demand prosecution by experienced attorneys.

In addition to investigation and prosecution, the GPU should be involved with community outreach. An attorney from the Attorney General's Criminal Justice Section is the legal advisor to the Colorado Gang Advisory Board ("CoG"). The other COG board members are representatives from the Colorado Bureau of Investigations and Colorado law enforcement agencies. COG created and maintains a gang database that is used by law enforcement statewide. The GPU also provides educational outreach and training to prosecutors, police officers, school officials, mental health professionals, law enforcement commanders and corrections officials.

4. Financial Fraud

The Attorney General's Office has original jurisdiction to both investigate and prosecute crime relating to securities and insurance fraud. These Units provides investigative and prosecutorial resources for combating securities fraud statewide.

Request:

Specifically, the investigator position will primarily focus efforts on human trafficking and election fraud, as well as support the ongoing efforts outlined above. In 2011, with financial support from Hunt Alternatives Fund and staff assistance from the Office of Governor John W. Hickenlooper, the Colorado Department of Human Services convened an inter-governmental and community working group to develop strategy recommendations for examining commercial sex in the State of Colorado. Human trafficking often involves force, fraud and coercion or mental duress. It is a growing, complex issue in many of the states near international entry points, such as Denver International Airport.

Human trafficking involves the sale, exchange, barter or lease of a person for labor or sex acts. Trafficking adults is a class 3 felony unless those trafficked are illegally in the country, in which case trafficking is a class 2 felony. Trafficking in children is a class 2 felony. The Special Prosecution Unit, along with the efforts of various police agencies, has demonstrated a very successful track record with prosecuting this crime over the last year. Our prosecutor is a member of a inter-agency effort that, in 2011, conducted over 105 enforcement operations and arrested over 400 individuals. The group is a collaboration of local, state, and federal law enforcement agencies working together with organizations providing comprehensive services to trafficking victims to identify and rescue victims of human trafficking; and proactively investigate, identify, apprehend, and prosecute those engaged in human trafficking. Our prosecutor is regarded as an expert by law enforcement agencies around the state.

Despite our success in prosecuting these cases, the problem continues to grow. This issue continues to become a growing concern with the Attorney General and the department does not currently have a criminal investigator on staff trained in this area of law. Without an investigator, the Attorney General's Office is unable to initiate investigations, conduct witness interviews, or arrest those individuals engaged in human trafficking. The department is hoping to

expand the expertise and impact of the Special Prosecution Unit by securing this talent within the staff to better serve the victims of these crimes.

In addition, through the investigator, we seek to increase the election fraud investigation and prosecution capacity of the office, and generally support the ongoing focus of the agency.

The department had a retirement of a Criminal Investigator position during FY 2011-12. The department requested, and received approval for, a supplemental amount of \$29,814 to cover the unexpected and late fiscal impact of this retirement.

Due to the various across the board reductions in line items, including a \$27,047 total funds reduction in the Special Prosecution Line Item for FY 13 figure setting, the department was unable to fill this vacant Criminal Investigator Position. Instead, the department added 0.5 FTE capacity of a Legal Assistant, with the other half of the FTE supporting the Auto Theft Grant Line Item in an effort to address the lack of support staff described above.

A Program Assistant is required to support the efforts of the attorneys and investigators throughout the Criminal Justice Section. There are currently far more prosecutors and investigators than support staff. Rather than having experienced attorneys handle clerical duties as they do currently, we are seeking to add a Program Assistant who will provide the prosecutors with the police paperwork, court files, assistance in filing legal documents with the courts.

The Department is also requesting an additional First Assistant Attorney General FTE position to assist in the supervision and management of the Special Prosecutions Unit. Currently there are two First Assistant Attorney Generals in the Special Prosecutions Unit who supervise 29.5 FTE including administrative staff, attorneys and criminal investigators. The ratio of one supervisor to 14.75 FTE is among the highest in

the office and makes it very challenging to effectively manage the staff while also carrying a full time caseload. Further this position would also be utilized to assist the Deputy Attorney General of the Criminal Justice Section with section-wide management and administrative issues.

The Deputy Attorney General for the Criminal Justice Section has a complex and unique assignment within the Department of Law. The Deputy supervises the Special Prosecution Unit (complex crimes, foreign prosecution, environmental prosecution, drug offenses, and the Violent Crimes Assistance Team), Financial Fraud Unit (securities and insurance fraud units), Medicaid Fraud Unit, the Colorado Justice Review Project, and the Peace Officer Standards and Training (POST) Unit. The section is involved in complex criminal matters throughout the state and coordinates investigations and prosecution efforts through the utilization of the Statewide Grand Jury, by and through agreement with the twenty-two elected District Attorneys, and also through matters in which the Attorney General has original jurisdiction such as securities, insurance and environmental prosecutions. The Deputy in this section also oversees the Statewide Grand Jury, is very active in the legislature on matters related to criminal law and serves as a designee of the Attorney General on numerous task forces and working groups dedicated to criminal issues.

Management of the Criminal Justice Section includes overseeing a total of 60 employees (attorneys, criminal investigators and support staff) and responsibility for hiring, performance management, resolution of personnel matters, planning and prioritizing the work of the section, and developing the section's strategic plan and annual budget. The Deputy also works with the Attorney General on policy development, legislative matters, and issues of potential public importance.

Accomplishing the responsibilities of the Deputy position requires time and effort well above what

is typically expected of a full time management-level position. Additionally, the work of the Deputy position is regularly conducted outside of the office. With only three subordinate supervisors in the section, the Deputy position has a primary role in the day-to-day operations and management activities in the section. Given the many other responsibilities/priorities of the position, it is very challenging to timely address the internal administrative, management and personnel issues.

This new First position would help resolve the two most significant issues, as identified above. The ratio of employees to supervisors in the Special Prosecutions Unit would drop from 14.75 to one to 9.8 to one. This is much more in line with the Departmental average, as well as a much more manageable and effective span of control. Additionally, with this position assisting the Deputy with internal administrative and managerial issues, there would be significant improvement in the efficiency and operations of the section.

As such, the department does not have the resources to fund any portion of these FTE.

Anticipated Outcomes:

With the additional resources the unit will be better equipped to address human trafficking investigations and prosecutions, as well as build up the election fraud efforts. Additionally, the Special Prosecution Unit will be bolstered to better manage administrative functions and supervision of the unit and its work products.

Assumptions for Calculations:

The department is assuming that each position will be filled at the mid-range for each classification. As mentioned above, the cases within this area of law and regulation are complex. As such, the unit requires a personnel with professional experience, in order to best serve the program and Colorado citizens. The Criminal Investigator and Program Assistant will

be funded by the General Fund due to their primary responsibilities assisting Special Prosecution. The First Assistant Attorney General will be funded equally through the General Fund, Insurance Fraud Cash Fund, and Securities Fraud transfer from the Department of Regulatory Agencies. This is to acknowledge that this FTE will support all of the efforts of this line item.

Consequences if not Funded:

If this request is not funded, the unit will continue to prioritize and manage the workload of this unit within existing spending and FTE authority. However, the prioritization will come at the expense of best serving all areas of this unit's responsibilities. With an investigator handling human trafficking investigations, the Attorney General's Office would contribute more results in this ongoing, important effort.

Impact to Other State Government Agency:

This decision item, if funded, would increase the annual transfer of resources from the Securities Division in the Department of Regulatory Agencies.

Current Statutory Authority or Needed Statutory Change:

No statutory changes needed. 24-31-105. C.R.S. states, "There is hereby established, within the department of law and under the control of the attorney general, a criminal enforcement section. The criminal enforcement section or any attorney in the department of law authorized by the attorney general shall prosecute all criminal cases for the attorney general and shall perform other functions as may be required by the attorney general."

Decision Item Calculations for CI and Program Asst 1**FY 13****FY 14**

Supplies @ \$500/\$500*2	\$ 1,000	\$ 1,000
Computer @ \$2,489/\$0*2	\$ 4,978	\$ -
Office Suite Software @ \$395/\$0 *2	\$ 790	\$ -
Office Equipment @ \$3,998/\$0 (includes cubicle and chair) *1	\$ 3,998	\$ -
Telephone Base @ \$450/\$450 *2	\$ 900	\$ 900
Litigation Expenses Est \$5,000 per current AAG	\$ 5,000	\$ 5,000
Mileage use on state vehicle (assume 12,000miles at \$.212/mile	\$ 2,544	\$ 2,544
Assume 2 overnight stays in hotel per month at \$75/night	\$ 1,800	\$ 1,800
Assume avg per diem at \$66 per day for 2 nights each month	\$ 1,584	\$ 1,584
Specific New Investigator Operating Expenses		
Badge (Flat) and Badge Case \$102.25 with shipping	\$ 102	
Glock Pistol \$477.00	\$ 477	
Holster \$20.00	\$ 20	
Mag Pouch \$20.00	\$ 20	
Handcuff Case \$27.99	\$ 28	
Vest (protective) \$840.00	\$ 840	
Body Armor vest carrier cover	\$ 150	
Nextel Phone \$150.00	\$ 150	
Motorola XTS 2500 Digital portable radio battery and charger	\$ 2,618	
Pepper Spray (Foam) \$15.95	\$ 16	
Pepper Spray Carrying Case \$30.95	\$ 31	
Range User Fee (annual) \$225.00	\$ 225	\$ 225
Hearing Protectors \$19.95	\$ 20	
Shooting Glasses \$15.95	\$ 16	
Portable radio accessories(battery/charger/conditioner	\$ -	
Portable radio extended life battery	\$ -	
Stinger Rechargeable flashlight	\$ 103	
Cell Phone \$80/month	\$ 960	\$ 960
5.11 brand response coat	\$ 68	
Total Operating	\$ 28,438	\$ 14,013

Monthly Salary Criminal Invest II (mid range)	\$ 6,775	\$ 6,775
Monthly Salary Program Asst I (mid range)	\$ 4,534	\$ 4,534
Annual Salary 11 months FY 13, 12 months FY 14	\$ 124,396	\$ 135,705
PERA at 10.15%	\$ 12,626	\$ 13,774
Medicare at 1.45%	\$ 1,804	\$ 1,968
Total PS	\$ 138,826	\$ 151,447

Total	\$ 167,265	\$ 165,460
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Decision Item Calculations For Asst Deputy Attorney General

	FY 13	FY 14
Supplies @ \$500/\$500	\$ 500	\$ 500
Computer @ \$2,489/\$0	\$ 2,489	\$ -
Office Suite Software @ \$395/\$0	\$ 395	\$ -
Office Equipment @ \$3,998/\$0 (includes cubicle and chair) *1	\$ 3,998	\$ -
Telephone Base @ \$450/\$450	\$ 450	\$ 450
Litigation Expenses Est \$5,000 per current AAG	\$ 5,000	\$ 5,000
Cell Phone \$80/month	\$ 960	\$ 960
Total Operating	\$ 13,792	\$ 6,910

Monthly Salary First AAG	\$ 8,800	\$ 8,800
Annual Salary	\$ 105,600	\$ 105,600
PERA at 10.15%	\$ 10,718	\$ 10,718
Medicare at 1.45%	\$ 1,531	\$ 1,531
Total PS	\$ 117,850	\$ 117,850

Total	\$ 131,642	\$ 124,760
GF	\$ 43,968	\$ 41,670
CF	\$ 43,837	\$ 41,545
RF	\$ 43,837	\$ 41,545


Total Decision Item Request	\$ 298,907	\$ 290,220
GF	\$ 211,233	\$ 207,130
CF	\$ 43,837	\$ 41,545
RF	\$ 43,837	\$ 41,545

Operating	\$ 42,230	\$ 20,923
GF	\$ 33,044	\$ 16,321
CF	\$ 4,593	\$ 2,301
RF	\$ 4,593	\$ 2,301

PS	\$ 256,676	\$ 269,297
GF	\$ 178,188	\$ 190,809
CF	\$ 39,244	\$ 39,244
RF	\$ 39,244	\$ 39,244

Schedule 13
Funding Request for the 2013-14 Budget Cycle

Department: Law
Request Title: Tobacco Litigation Funding
Priority Number: 3

Dept. Approval by:  10/23/12
Date

OSPB Approval by: _____
Date

Decision Item FY 2013-14
Base Reduction Item FY 2013-14
Supplemental FY 2012-13
Budget Amendment FY 2013-14

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Total of All Line Items	Total	9,546,036	-	12,356,989	-	-
	FTE	26.0	-	26.0	-	-
	GF	2,595,979	-	3,322,924	676,952	676,952
	GFE	-	-	-	-	-
	CF	2,584,734	-	2,475,093	(676,952)	(676,952)
	RF	4,136,643	-	6,234,812	-	-
	FF	228,680	-	324,160	-	-
(5) Consumer Protection: Consumer Protection and Antitrust	Total	2,170,214	-	2,135,804	-	-
	FTE	26.0	-	26.0	-	-
	GF	931,023	-	931,023	153,795	153,795
	GFE	-	-	-	-	-
	CF	997,710	-	963,300	(153,795)	(153,795)
	RF	241,481	-	241,481	-	-
	FF	-	-	-	-	-
(1) Administration: Health, Life, Dental	Total	2,620,363	-	2,875,285	-	-
	FTE	-	-	-	-	0.0
	GF	712,358	-	745,725	6,064	6,064
	GFE	-	-	-	-	-
	CF	307,246	-	293,081	(6,064)	(6,064)
	RF	1,497,893	-	1,708,446	-	-
	FF	102,866	-	128,034	-	-
(1) Administration: Short- Term Disability	Total	49,196	-	57,762	-	-
	FTE	-	-	-	-	0.0
	GF	13,008	-	14,626	160	160
	GFE	-	-	-	-	-
	CF	4,457	-	5,966	(160)	(160)
	RF	30,127	-	34,828	-	-
	FF	1,604	-	2,342	-	-
(1) Administration: SB 04- 257 Amortization	Total	965,510	-	1,165,243	-	-

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Equalization	FTE	-	-			0.0
Disbursement	GF	271,731	-	295,318	3,025	3,025
	GFE	-	-	-	-	-
	CF	93,597	-	119,329	(3,025)	(3,025)
	RF	559,668	-	703,769	-	-
	FF	40,514	-	46,827	-	-
(1) Administration: SB 06-235 Supplemental	Total	828,618	-	1,051,954	-	-
Amortization	FTE	-	-	-	-	0.0
Equalization	GF	232,402	-	266,606	2,731	2,731
Disbursement	GFE	-	-	-	-	-
	CF	80,435	-	107,727	(2,731)	(2,731)
	RF	480,964	-	635,347	-	-
	FF	34,817	-	42,274	-	-
(1) Administration: Salary Survey For Exempt Employees	Total	-	-	535,539	-	-
	FTE	-	-	-	-	0.0
	GF	-	-	135,578	1,225	1,225
	GFE	-	-	-	-	-
	CF	-	-	15,877	(1,225)	(1,225)
	RF	-	-	380,584	-	-
	FF	-	-	3,500	-	-
(1) Administration: Merit Pay for Exempt Employees	Total	-	-	349,478	-	-
	FTE	-	-	-	-	0.0
	GF	-	-	82,074	1,153	1,153
	GFE	-	-	-	-	-
	CF	-	-	9,534	(1,153)	(1,153)
	RF	-	-	254,063	-	-
	FF	-	-	3,807	-	-
(1) Administration: Workers' Compensation	Total	73,256	-	74,366	-	-
	FTE	-	-	-	-	0.0
	GF	19,388	-	18,970	175	175
	GFE	-	-	-	-	-
	CF	7,666	-	9,499	(175)	(175)
	RF	43,950	-	43,671	-	-
	FF	2,252	-	2,226	-	-
(1) Administration: Continuing Legal Education	Total	99,263	-	99,263	-	-
	FTE	-	-	-	-	0.0
	GF	21,769	-	21,769	375	375
	GFE	-	-	-	-	-
	CF	3,000	-	3,000	(375)	(375)
	RF	72,525	-	72,525	-	-
	FF	1,969	-	1,969	-	-
(1) Administration: Capitol Complex/ Carr Building Lease Costs	Total	1,273,320	-	2,926,487	-	-
	FTE	-	-	-	-	0.0
	GF	335,366	-	753,437	6,871	6,871
	GFE	-	-	-	-	-

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
	CF	132,620	-	366,927	(6,871)	(6,871)
	RF	766,375	-	1,718,514	-	-
	FF	38,959	-	87,609	-	-
(1) Administration: Security for State Services Building	Total	140,489	-	140,000	-	-
	FTE	-	-	-	-	0.0
	GF	37,180	-	36,044	329	329
	GFE	-	-	-	-	-
	CF	14,704	-	17,554	(329)	(329)
	RF	84,287	-	82,211	-	-
	FF	4,318	-	4,191	-	-
(1) Administration: Information Technology Asset Maintenance	Total	445,807		445,807	-	-
	FTE					0.0
	GF	21,754		21,754	1,049	1,049
	GFE					-
	CF	63,299		63,299	(1,049)	(1,049)
	RF	359,373		359,373		-
	FF	1,381		1,381		-
(6) Special Purpose: Tobacco Litigation	Total	880,000	-	500,000	-	-
	FTE	-	-	-	-	0.0
	GF	-	-	-	500,000	500,000
	GFE	-	-	-	-	-
	CF	880,000	-	500,000	(500,000)	(500,000)
	RF	-	-	-	-	-
	FF	-	-	-	-	-
<p> Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision: </p> <p> Cash or Federal Fund Name and COFRS Fund Number: Tobacco Litigation Defense Account </p> <p> Reappropriated Funds Source, by Department and Line Item Name: </p> <p> Approval by OIT? Yes: No: Not Required: X </p> <p> Schedule 13s from Affected Departments: NA </p> <p> Other Information: </p>						



DEPARTMENT OF LAW

*FY 2013-14 Funding Request
November 1, 2012*

*John W. Suthers
Attorney General*

*Cynthia Coffman
Chief Deputy Attorney General*

Department Priority: 3
Request Title Tobacco Litigation Funding

Summary of Incremental Funding Change for FY 2013-14	Total Funds	GF	CF	RF	FTE
Total Request	\$0	\$676,952	(\$676,952)	\$0	0.0
Consumer Protection and Antitrust	\$0	\$153,795	(\$153,795)	\$0	0.0
Indirect Cost Assessment	\$0	\$0	\$0	\$0	0.0
Salary Survey	\$0	\$1,225	(\$1,225)	\$0	0.0
Merit Pay	\$0	\$1,153	(\$1,153)	\$0	0.0
AED @ 3.6% (Common Policy Request in FY 14)	\$0	\$3,025	(\$3,025)	\$0	0.0
SAED @ 3.25% (Common Policy Request in FY 14)	\$0	\$2,731	(\$2,731)	\$0	0.0
STD @ .177% (Common Policy Request in FY 14)	\$0	\$160	(\$160)	\$0	0.0
HLD (Assumes Employee only HLD coverage for FTE)	\$0	\$6,064	(\$6,064)	\$0	0.0
Workers' Compensation (Common Policy Request)	\$0	\$175	(\$175)	\$0	0.0
Continuing Legal Education (Common Policy Request)	\$0	\$375	(\$375)	\$0	0.0
IT Asset Maintenance (Common Policy Request)	\$0	\$1,049	(\$1,049)	\$0	0.0
Carr Bldg Lease Costs	\$0	\$6,871	(\$6,871)	\$0	0.0
Security for State Services (Common Policy Request)	\$0	\$329	(\$329)	\$0	0.0
Tobacco Litigation	\$0	\$500,000	(\$500,000)	\$0	0.0

Request Summary:

The Department of Law (Department) is requesting a refinance of \$676,952 GF. This request will allow the Department to continue to advocate for the state's interests on Tobacco Litigation efforts.

Background:

Since the State's settlement of the tobacco litigation against the major domestic tobacco companies in 1998, there has been a need for the Attorney General to monitor compliance with the numerous injunctive terms and payment obligations under the Master Settlement Agreement ("MSA") and the Smokeless Tobacco Master Settlement Agreement ("STMSA"). Under these agreements the companies have agreed to a host of marketing restrictions, including a prohibition on youth marketing. Also under these agreements, the companies pay anywhere from \$80.0 - \$100.0 Million to the State of Colorado each year. The fluctuations in payments depend on various complex adjustments provided for under the MSA which relate to sales volume by the participating companies and market share loss to manufacturers that are not part of the MSA (so called, "nonparticipating manufacturers" or "NPMs").

The Antitrust, Tobacco and Consumer Protection Unit monitors compliance with these injunctive terms and ensures that Colorado's interests are protected under the payment calculation provisions. This unit also enforces the tobacco related statutes that have been enacted as a result of the MSA. Enforcement of these NPM escrow payment obligations requires this office to work closely with the Department of Revenue.

Under the terms of the MSA, the Participating Manufacturers to the agreement may initiate an arbitration proceeding to attempt to reduce future payments on the basis of past sales by NPMs. Colorado is currently engaged in the NPM Adjustment Diligent Enforcement Arbitration, a multi-state arbitration regarding the amount that all MSA States' payments can be reduced due to NPM sales in 2003. Colorado is a contested state in this arbitration. Colorado's state-specific hearing, along with Arizona and Washington, is scheduled for December 2012. Final resolution of this arbitration is likely to be in late 2013 or early 2014 and will likely influence payment adjustments in future years.

This unit, along with outside counsel, represents Colorado in these arbitrations. Colorado's counsel represent Colorado at all multi-state meetings and all arbitration hearings, negotiate with counsel for Participating Manufacturers on behalf of Colorado and other States, and monitor all contested state arbitration to prepare for the current arbitration hearing and future arbitrations. Due to the fact that attorney from this unit, as well as past attorneys, will be witnesses for Colorado in its state-specific hearing, outside counsel is necessary to help develop and present the case.

The Antitrust, Tobacco and Consumer Protection Unit has one full time lawyer who is funded out of the tobacco settlement funds with associated operating and litigation costs. Additionally, this effort is also supported by the Tobacco Litigation Line Item which accommodates the costs for outside counsel representation.

The department's Tobacco efforts have traditionally been funded by the Tobacco Settlement Defense Account within the Tobacco Litigation Settlement Cash Fund. The department is projecting that the balance within this fund will be exhausted by the end of FY 2012-13, thereby leaving no resources for these efforts moving forward. Because of this, the Department is making a GF request to continue the support of the Tobacco Litigation efforts on behalf of the state.

Anticipated Outcomes:

The department is expecting this solution to allow the department to continue to protect state interests and minimize risk with Tobacco settlement negotiations and enforcement of the tobacco related statutes.

Assumptions for Calculations:

The department is using the current salary and associated state paid benefits and associated operating budget for this position. Additionally, on the Tobacco Litigation Line Item, the Department is assuming a \$500,000 need in FY

2013-14 for outside counsel efforts. The reduction of \$380,000 is due to the State being through its State specific meetings with the arbitration team requiring less time and out of state travel. Outside counsel will continue to work on either the confirmation of the award the State receives during FY 2012-13 or the challenge of that decision, as well as the continued monitoring of other state proceedings to help determine how those issues could impact Colorado.

An alternative to funding this request as GF is to fund it directly out of annual Tobacco revenues. However, the Department understands that this would require legislation to modify the current allocation methodology. The Attorney General is agreeable to this direction.

Consequences if not Funded:

If this request is not funded, the department will have no legitimate source of funds to address Tobacco Settlement efforts on behalf of the state.

Impact to Other State Government Agency:

The department works closely with the Department of Revenue on nonparticipating manufacturers escrow payments. The Department of Law will not have the legal expertise on this matter to support the Department of Revenue, without the continuation of these efforts.

Current Statutory Authority or Needed Statutory Change:

24-31-402(1) C.R.S. states, "general assembly hereby finds that both the tobacco settlement and the smokeless tobacco settlement impose numerous duties and obligations on the parties to those settlement agreements relating to the marketing and advertising of tobacco products and the payment of damages to the state. The general assembly further finds that most of these duties and obligations continue for a minimum of twenty-five years from the dates of the settlement agreements. Therefore, the attorney general shall oversee and take the necessary actions to enforce compliance with the provisions of the tobacco

settlement agreement and the smokeless tobacco settlement agreement, consistent with the duties and obligations set forth in said settlement agreements and with Colorado law."There is no statutory modification necessary to implement this request.

FY 12 Tobacco expenses by
Line Item

Consumer Protection/Antitrust	\$140,292
Consumer Protection Indirect	\$12,404
Tobacco Litigation	\$745,624
Total	\$898,320

FY 13 Line Item Budgets

Consumer Protection/Antitrust	\$166,199
Consumer Protection Indirect	\$12,404
Tobacco Litigation	\$880,000
Total	\$1,058,603
Avg Monthly Expense	\$88,217

FY 13 estimates Tobacco Litigation Defense Fund Account:

FY 13 Beginning FB	\$ 1,025,710
FY 13 Est Interest Revenue	\$ 9,220
FY 13 Est Expenditures	\$ 1,058,603
FY 13 End of Year FB	\$ (23,673)

This assumes that the full budget amount for FY 13 is used in its entirety. The Department of Law is assuming that some of the FY 13 appropriations will not be fully used thereby maintaining a positive fund balance at FY end. This chart is provided to demonstrate the worst case scenario.

Tobacco Position and Program Costs

	FY 14 Calculations
Monthly Salary Asst Attorney General	\$6,805
Annual Salary	\$81,660
PERA at 10.15%	\$8,288
Medicare at 1.45%	\$1,184
Salary Survey at 1.5%	\$1,225
Merit Pay	\$1,153
AED @ 3.6% (Common Policy Request in FY 14)	\$3,025
SAED @ 3.25% (Common Policy Request in FY 14)	\$2,731
STD @ .19% (Common Policy Request in FY 14)	\$160
HLD (Assumes Employee only HLD coverage for FTE)	\$6,064
Total PS	\$105,491

Operating and Litigation Expenses	\$62,662
Workers' Compensation (Common Policy Request)	\$175
Continuing Legal Education (Common Policy Request)	\$375
IT Asset Maintenance (Common Policy Request)	\$1,049
Carr Bldg Lease Costs	\$6,871
Security for State Services (Common Policy Request)	\$329
Tobacco Litigation	\$500,000
Total	\$676,952

Schedule 13
Funding Request for the 2013-14 Budget Cycle

Department: Law
Request Title: PIO Refinance
Priority Number: 4

Dept. Approval by:  10/23/12
Date

OSPb Approval by: _____
Date

Decision Item FY 2013-14
Base Reduction Item FY 2013-14
Supplemental FY 2012-13
Budget Amendment FY 2013-14

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
	Fund	1	2	3	4	6
		Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Total of All Line Items	Total	17,789,440	-	20,813,771	89,278	89,278
	FTE	99.7	-	99.7	-	-
	GF	4,759,318	-	5,156,325	(68,933)	(68,933)
	GFE	-	-	-	-	-
	CF	2,288,405	-	2,650,107	(95,071)	(95,071)
	RF	10,358,857	-	12,490,500	249,684	249,684
	FF	382,860	-	516,839	3,597	3,597
(1) Administration: Personal Services	Total	3,049,837	-	3,049,837	89,284	89,284
	FTE	41.7	-	41.7	1.0	1.0
	GF	14,072	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	3,035,765	-	3,049,837	89,284	89,284
	FF	-	-	-	-	-
(1) Administration: Health, Life, Dental	Total	2,620,363	-	2,875,285	-	-
	FTE	-	-	-	-	0.0
	GF	712,358	-	745,725	6,064	6,064
	GFE	-	-	-	-	-
	CF	307,246	-	293,081	(6,064)	(6,064)
	RF	1,497,893	-	1,708,446	-	-
	FF	102,866	-	128,034	-	-
(1) Administration: Short- Term Disability	Total	49,196	-	57,762	-	-
	FTE	-	-	-	-	0.0
	GF	13,008	-	14,626	144	144
	GFE	-	-	-	-	-
	CF	4,457	-	5,966	(144)	(144)
	RF	30,127	-	34,828	-	-
	FF	1,604	-	2,342	-	-
(1) Administration: SB 04- 257 Amortization	Total	965,510	-	1,165,243	-	-

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Equalization Disbursement	FTE	-	-	-	-	0.0
	GF	271,731	-	295,318	2,923	2,923
	GFE	-	-	-	-	-
	CF	93,597	-	119,329	(2,923)	(2,923)
	RF	559,668	-	703,769	-	-
	FF	40,514	-	46,827	-	-
(1) Administration: SB 06- 235 Supplemental Amortization Equalization Disbursement	Total	828,618	-	1,051,954	-	-
	FTE	-	-	-	-	0.0
	GF	232,402	-	266,606	2,639	2,639
	GFE	-	-	-	-	-
	CF	80,435	-	107,727	(2,639)	(2,639)
	RF	480,964	-	635,347	-	-
	FF	34,817	-	42,274	-	-
(1) Administration: Salary Survey	Total	-	-	264,304	-	-
	FTE	-	-	-	-	0.0
	GF	-	-	64,048	1,200	1,200
	GFE	-	-	-	-	-
	CF	-	-	54,723	(1,200)	(1,200)
	RF	-	-	123,985	-	-
	FF	-	-	21,548	-	-
(1) Administration: Merit Pay	Total	-	-	156,999	-	-
	FTE	-	-	-	-	0.0
	GF	-	-	56,721	-	-
	GFE	-	-	-	-	-
	CF	-	-	26,060	-	-
	RF	-	-	61,913	-	-
	FF	-	-	12,305	-	-
(1) Administration: Workers' Compensation	Total	73,256	-	74,366	-	-
	FTE	-	-	-	-	0.0
	GF	19,388	-	18,970	175	175
	GFE	-	-	-	-	-
	CF	7,666	-	9,499	(175)	(175)
	RF	43,950	-	43,671	-	-
	FF	2,252	-	2,226	-	-
(1) Administration: Capitol Complex/ Carr Building Lease Costs	Total	1,273,320	-	2,926,487	-	-
	FTE	-	-	-	-	0.0
	GF	335,366	-	753,437	6,871	6,871
	GFE	-	-	-	-	-
	CF	132,620	-	366,927	(6,871)	(6,871)
	RF	766,375	-	1,718,514	-	-
	FF	38,959	-	87,609	-	-
(1) Administration: Security for State Services Building	Total	140,489	-	140,000	-	-
	FTE	-	-	-	-	0.0
	GF	37,180	-	36,044	329	329
	GFE	-	-	-	-	-

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
	CF	14,704	-	17,554	(329)	(329)
	RF	84,287	-	82,211	-	-
	FF	4,318	-	4,191	-	-
(2) Legal Services to State Agencies: Indirect Cost Assessment	Total	2,950,911	-	3,185,490	67,610	67,610
	FTE	-	-	-	-	0.0
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	2,950,911	-	3,185,490	67,610	67,610
	FF	-	-	-	-	-
(3) Criminal Justice and Appellate: Appellate Unit	Total	2,709,335	-	2,709,335	-	-
	FTE	32.0	-	32.0	-	0.0
	GF	2,195,709	-	1,973,807	(89,278)	(89,278)
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	513,626	-	735,528	89,278	89,278
	FF	-	-	-	-	-
(3) Criminal Justice and Appellate: Indirect Cost Assessment	Total	446,544	-	480,426	10,197	10,197
	FTE	-	-	-	-	0.0
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	215,830	-	232,206	4,928	4,928
	RF	73,184	-	78,736	1,671	1,671
	FF	157,530	-	169,484	3,597	3,597
(4) Natural Resources and Water: Indirect Cost Assessment	Total	43,414	-	46,708	991	991
	FTE	-	-	-	-	0.0
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	43,414	-	46,708	991	991
	FF	-	-	-	-	-
(5) Consumer Protection: Consumer Protection and Antitrust	Total	2,167,295	-	2,135,804	(89,284)	(89,284)
	FTE	26.0	-	26.0	(1.0)	(1.0)
	GF	928,104	-	931,023	-	-
	GFE	-	-	-	-	-
	CF	997,710	-	963,300	(89,284)	(89,284)
	RF	241,481	-	241,481	-	-
	FF	-	-	-	-	-
(5) Consumer Protection: Indirect Cost Assessment	Total	471,352	-	493,771	10,480	10,480
	FTE	-	-	-	-	0.0
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	434,140	-	453,735	9,630	9,630
	RF	37,212	-	40,035	850	850
	FF	-	-	-	-	-

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
<p> Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision: Cash or Federal Fund Name and COFRS Fund Number: All Department Cash Funds and RF funds that pay indirects Reappropriated Funds Source, by Department and Line Item Name: Approval by OIT? Yes: No: Not Required: X Schedule 13s from Affected Departments: NA Other Information: </p>						



DEPARTMENT OF LAW

*FY 2013-14 Funding Request
November 1, 2012*

*John W. Suthers
Attorney General*

*Cynthia Coffman
Chief Deputy Attorney General*

Department Priority: 4
Request Title Refinance PIO in Administration

Summary of Incremental Funding Change for FY 2013-14	Total Funds	GF	CF	RF	FF	FTE
Total Request	\$89,278	(\$68,933)	(\$95,071)	\$249,685	\$3,597	0.0
Consumer Protection and Antitrust	(\$89,284)	\$0	(\$89,284)	\$0	\$0	(1.0)
Administration Personal Services	\$89,284	\$0	\$0	\$89,284	\$0	1.0
Salary Survey	\$0	\$1,200	(\$1,200)	\$0	\$0	0.0
Merit Pay	\$0	\$0	\$0	\$0	\$0	0.0
AED @ 3.6% (Common Policy Request in FY 14)	\$0	\$2,923	(\$2,923)	\$0	\$0	0.0
SAED @ 3.25% (Common Policy Request in FY 14)	\$0	\$2,639	(\$2,639)	\$0	\$0	0.0
STD @.177% (Common Policy Request in FY 14)	\$0	\$144	(\$144)	\$0	\$0	0.0
HLD (Assumes Employee only HLD coverage for FTE)	\$0	\$6,064	(\$6,064)	\$0	\$0	0.0
Workers' Compensation (Common Policy Request)	\$0	\$175	(\$175)	\$0	\$0	0.0
Carr Bldg Lease Costs	\$0	\$6,871	(\$6,871)	\$0	\$0	0.0
Security for State Services (Common Policy Request)	\$0	\$329	(\$329)	\$0	\$0	0.0
LSSA Indirect Recoveries	\$67,610	\$0	\$0	\$67,610	\$0	0.0
Criminal Justice and Appellate Indirect Recoveries	\$10,197	\$0	\$4,928	\$1,671	\$3,597	0.0
Water and Natural Resources Indirect Recoveries	\$991	\$0	\$0	\$991	\$0	0.0
Consumer Protection and Antitrust Indirect Recoveries	\$10,480	\$0	\$9,630	\$850	\$0	0.0
Appellate Unit	\$0	(\$89,278)	\$0	\$89,278	\$0	0.0

Request Summary:

The Department of Law is requesting a refinance of the current Public Information Office Position (PIO) from the Consumer Protection/Antitrust line item to the Administration Personal Services Line Item. This request will reduce \$89,284 of CF spending authority in the Consumer Protection/Antitrust Line Item, with a like increase of RF in the Administration Personal Services Line Item. Additionally, the Personal Services POTS for this position will change from CF to GF with a like increase of RF in Appellate to cover the additional indirect recoveries associated.

This request will allow the Department of Law (department) to move the department's Public Information Officer Position from the Consumer Protection/Antitrust line item to the Administration Personal Services Line Item to be funded through indirect recoveries.

Anticipated Outcomes:

This solution will allow a better alignment of appropriated dollars and FTE. This position, assuming the request is approved, will be paid from indirect recoveries generated by all department cash and federal revenues. The PIO position supports all of the department's units, much like the other overhead units, including accounting, budgeting, IT services, Human Resources, and the Attorney General's Office. As such, this position should be paid from the areas served.

Assumptions for Calculations:

The department is using the current salary, PERA, and Medicare rates to calculate the costs of this position. It is assumed that all other centrally appropriated POTS budgets for this position, like HLD, AED, SAED, and STD and all operating POST, will be budgeted as GF. However, these costs are included in the overall indirect recovery calculations and distributed to the various Indirect Recovery Line items. This means that the GF is offset by a like increase in RF in a line item that has indirect recoveries applied, most likely the Appellate Unit line item.

Consequences if not Funded:

If this request is not funded, the department will continue to utilize the UCCC Custodial (#16B) at \$80,000 annually, with the balance coming from the Consumer Protection Custodial (#146).

Impact to Other State Government Agency:

Based on FY 13 figure setting and rate setting numbers, if this request is approved it would increase the hourly blended billing rate by an estimated \$0.18/hour to client agencies. This calculation is based on the Legal Services to State Agencies Indirect Recovery calculation that supports the Attorney General's Office and associated overhead costs.

Current Statutory Authority or Needed Statutory Change:

24-31-101(3) C.R.S. states, "The attorney general may appoint such deputies and assistants as are necessary for the efficient operation of his office within the limitations of appropriations made therefor by the general assembly." There is no statutory modification necessary to implement this request.

FY 14 PIO Cost Calculations: Chart 1

FY 14 Calculations	
Monthly Salary General Professional IV	\$6,667
Annual Salary	\$80,004
PERA at 10.15%	\$8,120
Medicare at 1.45%	\$1,160
Salary Survey	\$1,200
Merit Pay	
AED @ 3.6% (Common Policy Request in FY 14)	\$2,923
SAED @ 3.25% (Common Policy Request in FY 14)	\$2,639
STD @.177% (Common Policy Request in FY 14)	\$144
HLD (Assumes Employee only HLD coverage for FTE)	\$6,064
Workers' Compensation	\$175
Carr Bldg	\$6,871
Security for State Services Bldg	\$329
Total	\$109,629

Schedule 13

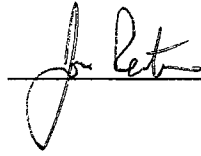
Funding Request for the 2013-14 Budget Cycle

Department: Department of Law

Request Title: Risk Management: Employee Engagement Service Adjustment Decision Item

Priority Number: Non Prioritized

Dept. Approval by:



10/23/12

Date

OSPB Approval by:

Date

Decision Item FY 2013-14
Base Reduction Item FY 2013-14
Supplemental FY 2012-13
Budget Amendment FY 2013-14

Line Item Information		FY 2012-13		FY 2013-14		FY 2014-15
		1	2	3	4	6
	Fund	Appropriation FY 2012-13	Supplemental Request FY 2012-13	Base Request FY 2013-14	Funding Change Request FY 2013-14	Continuation Amount FY 2014-15
Total of All Line Items	Total	87,949	-	126,831	3,284	-
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	CF	-	-	-	-	-
	HUTF	-	-	-	-	-
	RF	87,949	-	126,831	3,284	-
	FF	-	-	-	-	-
(1) Administration	Total	87,949	-	126,831	3,284	-
Vehicle Lease Payments	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	CF	-	-	-	-	-
	HUTF	-	-	-	-	-
	RF	87,949	-	126,831	3,284	-
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and COFRS Fund Number: All Cash and RF funds that pay indirects

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

